

## PART B—ISSUE FEE TRANSMITTAL

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Please complete and mail this form, together with application fee, to:

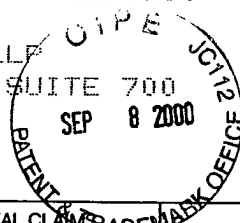
Box ISSUE FEE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) indicating a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for advance fee notifications.

**1. CORRESPONDENCE ADDRESS** (Note: Legibly mark-up with any corrections or use Block 1)

KAREN B KING  
MICHAEL BEST & FRIEDRICH LLP  
ONE SOUTH PINCKNEY STREET SUITE 700  
P O BOX 1806  
MADISON WI 53701-1806

HM22/0605



Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

## Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Leslie Lindsay

(Depositor's name)

Leslie Lindsay

(Signature)

September 5, 2000

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/475,958	12/30/99	028	SISSON, B	1655 06/05/00
amended int	BITNER,	35 USC 154(b) term ext. =	0 Days.	

ON CELL CONCENTRATION AND LYSATE CLEARANCE USING PARAMAGNETIC PARTICLES

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 16026-9038	435-270.000	N31	UTILITY	NO	\$1210.00	09/05/00

Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
If PTO form(s) and Customer Number are recommended, but not required.

Change of correspondence address (or Change of Correspondence Address form  
PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent  
attorneys or agents OR, alternatively, (2)  
the name of a single firm (having as a  
member a registered attorney or agent)  
and the names of up to 2 registered patent  
attorneys or agents. If no name is listed, no  
name will be printed.

1 Michael Best &amp; Friedrich LLP

2 Grady J. Frenchick

3 Karen B. King

**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT** (print or type)  
**NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent.  
Indication of assignee data is only appropriate when an assignment has been previously submitted to  
PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for  
an assignment.

NAME OF ASSIGNEE PROMEGA CORPORATION

RESIDENCE: (CITY &amp; STATE OR COUNTRY) MADISON, WISCONSIN

Check the appropriate assignee category indicated below (will not be printed on the patent)

Individual ☐ Corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner  
of Patents and Trademarks):

☒ Issue Fee☒ Advance Order - # of Copies 10 @ \$3.00

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 50-0842

(ENCLOSE AN EXTRA COPY OF THIS FORM)

☐ Issue Fee☐ Advance Order - # of Copies

COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

Authorized Signature)

(Date)

Karen King

9/1/00

The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney  
; or the assignee or other party in interest as shown by the records of the Patent and  
Trademark Office.

**1 Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary  
depending on the needs of the individual case. Any comments on the amount of time required  
to complete this form should be sent to the Chief Information Officer, Patent and Trademark  
Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS  
ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for  
Patents and Trademarks, Washington D.C. 20231

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of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

\*\*CORRECTED COPY\*\*

HN32/0907

KAREN B KING  
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P O BOX 1806  
MADISON WI 53701-1206

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/475,958	12/30/99	028	SISSON, B	1655 02/07/00
First Named Applicant	BITNER, REX M.			

TITLE OF INVENTION CELL CONCENTRATION AND LYSATE CLEARANCE USING PARAMAGNETIC PARTICLES

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 16026-9030	A35-270.000	N31	UTILITY	NG	\$1210.00	12/07/00

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

**I. Review the SMALL ENTITY status shown above.**

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

**II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.**

**III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.**

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

**Notice of Allowability**

Application No.

09/475,958

Examiner

Bradley L. Sisson

Applicant(s)

BITNER ET AL.

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1655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

1. ☒ This communication is responsive to the interview of 13 July 2000 and the IDS submissions of 4/00 and 7/00.
2. ☒ The allowed claim(s) is/are 1-25 and 27-29.
3. ☐ The drawings filed on \_\_\_\_\_ are acceptable.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
a) ☐ All b) ☐ Some\* c) ☐ None of the CERTIFIED copies of the priority documents have been  
1. ☐ received.  
2. ☐ received in Application No. (Series Code / Serial Number). \_\_\_\_\_.  
3. ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.
5. ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office Action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be available under the provisions of 37 CFR 1.136(a).

6. ☒ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☐ Applicant MUST submit NEW FORMAL DRAWINGS  
(a) ☐ because the originally filed drawings were declared by applicant to be informal.  
(b) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.  
(c) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the examiner.  
(d) ☐ including changes required by the attached Examiner's Amendment / Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

- 1 ☒ Notice of References Cited (PTO-892)  
3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
5 ☒ Information Disclosure Statements (PTO-1449), Paper No. 7, 8.  
7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)  
4 ☒ Interview Summary (PTO-413), Paper No. 6.  
6 ☐ Examiner's Amendment/Comment  
8 ☐ Examiner's Statement of Reasons for Allowance  
9 ☐ Other

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karen King on 13 July 2000.

The application has been amended as follows:

In the claims:

- B1
1. (Twice amended) A method of using magnetic particles to concentrate or harvest cells, comprising the steps of:
- (a) combining cells with magnetic particles, under conditions wherein the cells selectively adsorb directly to the particles thereby forming a complex [form a complex with the magnetic particles], wherein said magnetic particles are selected from the group consisting of (1) pH dependent ion exchange particles and (2) silica magnetic particles consisting essentially of a magnetic core coated with a siliceous oxide having a hydrous siliceous oxide adsorptive surface; and
  - (b) isolating the complex from the solution by application of magnetic force.

- B2
8. (Twice amended) A method of clearing a solution of disrupted biological material, according to steps comprising:
- (a) providing a solution comprising a disrupted biological material;
  - (b) combining the solution with second magnetic particles under conditions wherein the disrupted biological material selectively adsorbs directly to the particles, thereby forming [forms] a complex [with the second magnetic particles], wherein said magnetic particles are selected from the group consisting of (1) pH dependent ion exchange particles and (2)

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cont

silica magnetic particles consisting essentially of a magnetic core coated with a siliceous oxide having a hydrous siliceous oxide adsorptive surface; and  
(c) separating the complex from the solution by application of magnetic force.

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21. (Twice amended) A method of isolating a target nucleic acid from a disrupted biological material, comprising the target nucleic acid, a first non-target material, and a second non-target material, comprising the steps of:

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- (a) combining a solution of the disrupted biological material with first magnetic particles under conditions wherein the first non-target material selectively adsorbs directly to the particles, thereby forming [forms] a first complex [with the first magnetic particles], wherein said magnetic particles are selected from the group consisting of (1) pH dependent ion exchange particles and (2) silica magnetic particles consisting essentially of a magnetic core coated with a siliceous oxide having a hydrous siliceous oxide adsorptive surface;
  - (b) separating the first complex from the solution of disrupted biological material by application of magnetic force, forming a cleared solution comprising the target nucleic acid and the second non-target material;
  - (c) combining the cleared solution with second magnetic particles under conditions wherein the target nucleic acid adsorbs to the second magnetic particles, forming a second complex;
  - (d) isolating the second complex from the cleared solution;
  - (e) washing the second complex by combining the second complex with a wash solution and separating the second complex from the wash solution by magnetic force; and
  - (f) combining the washed second complex with an elution solution, under conditions wherein the target material is desorbed from the second magnetic particles.
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley L. Sisson whose telephone number is (703) 308-3978.

The examiner can normally be reached on 6:30 a.m. to 5 p.m., Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W Gary Jones can be reached on (703) 308-1152. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3592 for regular communications and (703) 308-0294 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.



Bradley L. Sisson  
Primary Examiner  
Art Unit 1655

BLS  
August 24, 2000